

OFFICE OF
THE ATTORNEY GENERAL



STATE OF UTAH

R. PAUL VAN DAM - ATTORNEY GENERAL

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December 15, 1989
DIVISION OF
OIL, GAS & MINING

JOSEPH E. TESCH
CHIEF DEPUTY ATTORNEY GENERAL

H. Michael Keller, Esq.
VAN COTT, BAGLEY, CORNWALL & MCCARTHY
50 South Main Street #1600
Salt Lake City, UT 84144

Dear Mike:

In light of the fact that the matter of Utelite's bond form was not settled at the Board hearing of November 30, 1989, it seems apparent that we must modify the Stipulation between the Division and Utelite dated October 25, 1989.

I have enclosed a Revised Stipulation to reflect the date changes that we have agreed upon.

If all appears to be in order, please execute the document and send it to Bob for his signature.

Thanks.

Very truly yours,


BARBARA W. ROBERTS
Assistant Attorney General

Enclosure

cc: Dianne R. Nielsen

403 *orig mine file*
R9 Route three
L Blaxton
cc. M. Anderson
for Board
10431004

BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
IN AND FOR THE STATE OF UTAH

UTELITE CORPORATION,	:	
Petitioner,	:	STIPULATION
vs.	:	Docket No. 89-001
THE DIVISION OF OIL, GAS, AND MINING, Department of Natural Resources for the State of Utah,	:	Case No. M/043/004
Respondent.	:	

COMES NOW the Petitioner, Utelite Corporation, by and through its attorneys, Robert W. Adkins and H. Michael Keller, and the Respondent, the Division of Oil, Gas and Mining, by and through its attorney, Barbara W. Roberts, and stipulate and agree as follows:

1. The parties are negotiating in an effort to resolve the dispute between them without the necessity of a hearing before the Board. To facilitate those negotiations, Petitioner's Petition dated February 3, 1989, may be dismissed without prejudice.

2. The parties have been exploring the possibility of the Petitioner filing a self bond to satisfy the reclamation

requirements of the Mined Land Reclamation Act (Section 40-8-1 through 23, Utah Code Annotated 1953, as amended), in the event the Petitioner is ultimately determined to be subject to the provisions of the Mined Land Reclamation Act. Utelite has submitted an amended Mining and Reclamation Plan to the Respondent for its review and approval. Petitioner has submitted its Financial Statement dated December 31, 1988, to the Respondent to determine if Petitioner's financial condition is such as would justify a self bond for reclamation.

3. The Parties are considering a proposed Self Bonding and Indemnity Agreement ("Agreement") which has not yet been finalized. Negotiations by the parties for final language for the Agreement must be concluded not later than January 12, 1990.

4. In the event the Respondent determines that it will support Petitioner's request for self bonding, the matter shall be promptly submitted to the Board of Oil, Gas and Mining for approval of the self bond at its meeting scheduled for January 25, 1990. In the event the Board of Oil, Gas and Mining does not approve Petitioner's request for self bonding, Petitioner may refile a Petition with the Board on or before February 13, 1990, seeking the same or similar relief that is requested in the Petition dated February 3, 1989, and if Petitioner does not

refile on or before February 13, 1990, then the Petition dated February 3, 1989, shall be dismissed with prejudice and upon the merits. Petitioner, at its option, may seek other appropriate administrative or judicial relief, provided that if Petitioner does not refile its Petition dated February 3, 1989, on or before February 13, 1990, then Petitioner shall not challenge the Division's authority to regulate Petitioner's operation.

5. In the event Respondent determines that it will not support Petitioner's request for self bonding, Petitioner may refile a petition with the Board on or before February 13, 1990, seeking the same or similar relief that is requested in the Petition dated February 3, 1989, and if Petitioner does not refile on or before February 13, 1990, then the Petition dated February 3, 1989, shall be dismissed with prejudice and upon the merits. Petitioner, at its option, may seek other appropriate administrative or judicial relief, provided that if Petitioner does not refile its Petition dated February 3, 1989, on or before February 13, 1990, then Petitioner shall not challenge the Division's authority to regulate Petitioner's operation.

6. In the event that Petitioner re-files its Petition and a hearing is held thereon, either party hereto may introduce,

without objection, the exhibits which Petitioner has filed with the Board of Oil, Gas and Mining in this cause number.

DATED this _____ day of December, 1989.

UTELITE CORPORATION

By:

ROBERT W. ADKINS
ADKINS & CHRISTIANSEN
Attorneys for Petitioner

By:

H. MICHAEL KELLER
VANCOTT, BAGLEY, CORNWALL &
MCCARTHY
Attorneys for Petitioner

THE DIVISION OF OIL, GAS & MINING

By:

BARBARA W. ROBERTS
Assistant Attorney General
Attorney for Respondent